

DOCKET NO: 218209US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIYOSHI YOSHIKUMI, ET AL. : EXAMINER: HODGE, R.
SERIAL NO: 10/050,866 :
FILED: JANUARY 18, 2002 : GROUP ART UNIT: 1746
FOR: ONBOARD FUEL CELL SYSTEM :
AND METHOD OF DISCHARGING
HYDROGEN-OFF GAS

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Director to invoke his supervisory authority to require the Examiner to examine Claims 11 and 12, which read on the elected species of Fig. 6 (see election of October 14, 2005).

The election of October 14, 2005 elected the species of Fig. 6 and identified Claims 1, 6, 8, 11-15, 21, 31, 37-39, 43 and 50 as reading on the elected species. Claims 11 and 12 were nonetheless withdrawn from consideration in the Office Action of May 2, 2006.

Claims 11 and 12 recite a flow rate-changing portion disposed in the second flow passage or the seventh flow passage. Paragraph 1 of the outstanding Office Action states that "there is no support in figure 6 ... for a flow rate-changing portion in the second flow passage." However Claims 11 and 12 actually recite a flow rate-changing portion "disposed in the second flow passage *or the seventh flow passage*." The compressor 504 in the oxidative gas supply flow passage 501 in Figure 6 is disposed in a *seventh* flow passage

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leading to the oxidative gas supply port of the fuel cell. Additionally, the compressor 504 will inherently "change the flow rate of the discharged oxygen-off gas" from the fuel cell since the fuel cell is a flow through system whose off gas flow rate is dependent upon the flow rate of the supplied gas. Claims 11 and 12 therefore read on Fig. 6.

Applicants therefore respectfully request an Office Action on the merits of the elected species including claims 11 and 12.

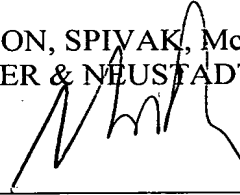
No fee is believed to be required, but the Director is authorized to charge any necessary fee to the undersigned customer's account number 15-0030.

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Respectfully submitted,

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